

Claiming Benefit under 37 CFR § 1.78

In compliance with 37 CFR § 1.78 (Claiming benefit of earlier filing date and cross-references to other applications) Applicants herein request that application number 10/692,548 (attorney docket number SC11645ZP P01) be considered a continuation-in-part filed under 37 CFR 1.53(b) of application number 10/041,337 (attorney docket number SC11645ZP). In compliance with 37 CFR § 1.78 this request is being submitted with a copy of application number 10/041,337 (specification and figures) within the deadline of the later of 16 months after filing of the parent application or 4 months of filing the current application. (The latter deadline applies here.) Furthermore, Application number 10/692,548 meets all the requirements under MPRP 201.08 for it to be considered a continuation-in-part application of parent application number 10/041,337.

First, the first application and the alleged continuation-in-part application were filed with at least one common inventor. Both applications list Lianjun Liu as a co-inventor.

Secondly, the alleged continuation-in-part application was "filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application." The alleged continuation-in-part application was filed on October 24, 2003 while the parent application was pending.

Thirdly, the alleged continuation-in-part application "contains or is amended to contain a specific reference to the earlier filed application." Included herein is a preliminary amendment amending the specification of the alleged continuation-in-part application to refer to the earlier filed application.

Applicants submit that the paperwork sent with the filing of the second application erroneously did not claim priority to application number 10/041,337. Applicants herein request correction so that the second application is a continuation-in-part of the first (parent) application.